



*Town of Mooresville*  
NORTH CAROLINA

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FCC Mail Room

OFFICE OF THE MAYOR

June 16, 2014

Mr. David Cohen  
Executive Vice-President, Comcast  
Comcast Center  
1701 John F. Kennedy Boulevard  
Philadelphia, Pennsylvania 19103

Dear Mr. Cohen:

I am pleased we got to know each other at the U.S. Conference of Mayor's winter meeting in Washington earlier this year. I am writing to you now as a result of recent actions by Time Warner Cable which occurred in Mooresville, NC, the town of which I am Mayor. By way of background, Mooresville and its neighboring town Davidson own a cable television system known as MI-Connection, a system which was purchased out of the Adelphia bankruptcy in 2007. Time Warner Cable is a cable television, internet and telephone provider in communities adjacent to Mooresville and Davidson.

I am bringing this to your attention since I believe Comcast should know of the conduct of Time Warner Cable, a company it is currently in the process of acquiring. Within the past several weeks, Time Warner Cable commenced to overbuild MI-Connection in Mooresville. However, its recent overbuild construction did not occur within easements or public rights-of-way. Rather its construction activities occurred on private property including my property where my family and I reside. As a result of Time Warner Cable's activities, Mooresville stopped Time Warner Cable's construction activities and revoked all of its easement agreements until it can establish that its prior construction activities were within the scope of the easement agreements it was previously granted by Mooresville.

As I am sure you can appreciate, Time Warner Cable's blatant disregard of private property rights is, to say the least, troubling. It is also troubling that Time Warner Cable has chosen to overbuild a municipally owned cable television company with approximately 16,000 subscribers at the same time that it is being acquired by Comcast to form the largest cable television company in the United States with approximately 30 million subscribers. While MI-Connection has successfully met Time Warner Cable's overbuild activities before and is prepared to and will do so again, one must question Time Warner Cable's motives in its recent construction activities.

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We hope that Comcast was not aware of Time Warner Cable's activities and that it will not similarly interfere with private property rights of Mooresville's residents if it is successful in acquiring Time Warner Cable. Finally, we find this conduct so troubling that we are bringing it to the attention of those copied on this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Miles Atkins", written in a cursive style.

Miles Atkins  
Mayor

cc: U.S. Senator Richard Burr  
U.S. Senator Kay R. Hagen  
U.S. Representative Robert Pittenger  
Rob Marcus, CEO, Time Warner Cable  
Federal Communications Commission, Department of Enforcement ✓  
Federal Communications Commission, Department of Consumer and Government Affairs  
The Honorable John Woods, Mayor, Davidson, North Carolina

Enclosure

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Posted: Friday, May. 30, 2014

## Mooresville revokes all Time Warner Cable easement agreements

By Joe Marusak

PUBLISHED IN: LOCAL NEWS

MOORESVILLE The Town of Mooresville this week revoked dozens of easement agreements it made with Time Warner Cable over the years because of concerns the company buried fiber optic lines outside the town's right-of-way in some homeowners' yards.

Utility companies are allowed to bury lines only within the town's right-of-way along town-maintained streets, Town Attorney Steve Gambill said Friday at a Mooresville Board of Commissioners meeting.

Concerns arose after Mayor Miles Atkins said he saw a Time Warner Cable subcontractor burying lines outside his home on Academy Street, where the town doesn't even have a right of way.

The town never established rights-of-way along many older streets where utilities built their lines above ground over the decades, including the historic district in which Atkins lives.

Such rights-of-way are more common in newer neighborhoods, Mooresville senior engineer Allison Kraft said. Town rights-of-way are established along streets in case the town needs, for instance, to add a sidewalk along it at some point, officials said.

Kraft notified Time Warner Cable that the town has revoked all of its easement agreements with the company until the company can show it stayed within the town right-of-way on all of its projects. Time Warner Cable requested the agreements when it wanted to bury lines along streets, officials said.

The company must also show that an agreement existed with the town wherever it buried lines, Gambill said.

Time Warner Cable officials didn't respond to a request by the Observer for comment on Friday.

Mooresville commissioner Mac Herring asked town staff to see whether the company built lines beyond the town right-of-way on Culp Street. He said he suspects the company went beyond the right-of-way there.

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If a company buries a line beyond a town right-of-way in someone's yard, the homeowner can sue the company for damages and demand that it remove the line, Gambill said.

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